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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-Sessional Working Group
3-5 September 2001

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic reports of the United Kingdom of Great Britain and Northern Ireland concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights
(E/C.12/4/Add.5, E/C.12/4/Add.7, E/C.12/4/Add.8)

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I. GENERAL INFORMATION*

General legal framework within which human rights are protected

1. Please explain further the meaning of paragraph 2.01 of the report, in particular with regard to the "effects" the United Kingdom intends to give to its "obligations" under the Covenant on Economic, Social and Cultural Rights.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1.1. The right of self-determination

2. Please provide information on the possibility of applying the principles of self-determination to the Overseas Dependent Territories and Crown Dependencies of the United Kingdom.

Article 2.1. International assistance and cooperation

3. Please provide further information on the activity of the "Department for International Development," in particular with regard to its effective contribution to the promotion of the development of the least developed countries, notably in Africa and to the extent of debt forgiveness permitted by the United Kingdom.

Article 2.2. Non-discrimination

4. Please provide detailed information on the extent of the phenomenon of refugees and on those who are seeking refuge in the United Kingdom and on how their economic, social and cultural rights are protected.

5. Please provide detailed information on the extent of the problems associated with illegal immigration and the measures being taken in order to cope with the situation.

6. Please inform the Committee of the extent and gravity of the racial disturbances that have recently taken place in the United Kingdom and of the measures being adopted in order to integrate minorities in society and to prevent the recurrence of such incidents.

7. Please provide further information on "the Crime and Disorder Act" which came into effect in September 1999, in particular with regard to the "nine racially aggravated offences" and on the prosecution of offenders mentioned in paragraph 2.07 of the report.

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* Questions refer to all regions covered in these reports, unless stated otherwise.

Article 3. Equality between men and women

8. Please provide information on how the State party has given effect to the Committee's recommendation that "the State party take more effective steps to combat de facto discrimination, particularly against [...] women", especially in the field of employment, despite the elaborate legislation and machinery for protection against discrimination (E/C.12/1/Add.19, 4 December 1997, paras. 12 and 24), hereby also bearing in mind specific recommendations of a similar nature of 1 July 1999 by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW/C/1999/L.2/Add.7, paras. 23, 24, 27, 29, 30).

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

9. Please provide information on the effective results of the "New Deal" programmes to which 15 paragraphs are devoted in the State party's report. This information should concern, in particular, the training and the employment of young persons, of lone parents, notably women immigrants, refugees and people of ethnic minorities.

10. Please explain further the information given in paragraph 6.22 of the report on the expansion of child-care services.

11. Paragraph 6.38 of the report states that "most disabled people are able to make effective use of mainstream employment services and training programmes". Please provide more detailed information, supported by statistical data, on how this use is effectively realized.

12. Please explain how "changes to certain tribunal rules of procedure" of the Employment Rights (Dispute Resolution) Act 1998 may "increase efficiency" and what impact this may have on the right to employment and satisfactory pay.

Article 7. Right to just and favourable conditions of work

13. According to paragraph 7.08 of the State party's report, the hourly full-time wage of women, as of April 2000, was 81.6 per cent of that of men's. Please provide information on the effectiveness of the initiatives mentioned by the State party to reduce this pay gap further. Please further specify whether the Employment Tribunals recognize and apply the Code of Practice on Equal Pay.

14. Please provide information on measures taken by the State party to guarantee that persons from ethnic minorities are not subjected to discriminatory treatment, resulting in lower pay and poorer working conditions.

15. Please provide information on whether the minimum wages that have been introduced in the constituent parts of the United Kingdom, British Virgin Islands, Gibraltar, and Turks and Caicos Islands, provide for a reasonable standard of living. Please also indicate whether the

introduction of a minimum wage is being considered for those territories for which such a minimum wage has not yet been established, and what the state of progress is with regard to the establishment of a minimum wage for the Isle of Man and the States of Jersey.

16. According to information available to the Committee, the minimum wage does not provide a decent standard of living for most workers with families, but other benefits fill the gap. Please explain whether these other benefits are sufficiently guaranteed at all times, or whether there are shortcomings.

Article 8. Trade union rights

17. According to paragraph 8.07 of the State party report, the 1999 Employment Relations Act prohibits discrimination by omission, as well as by action, on the grounds of trade union membership or union activities, a provision which came into force on 25 October 1999. Please provide information on the implementation of this provision.

Article 9. Right to social security

18. According to information at the Committee's disposal on the Turks and Caicos Islands, there is a gap between required retirement age and the age for accessibility to National Insurance benefits, non-contributory pensions and old-age benefit. What is the reason for this and what impact does it have on the welfare of those who retire and fall in this gap?

19. What are the levels of the sick pay, in the territories where the right to paid sick leave exists? Is there an intention to introduce in the territories, in which such a right to paid sick leave is not provided for, legislation to that end?

20. The States of Jersey have agreed in principle to amend the Social Security Law so as to extend coverage of this law to all working women. Please provide updated information on the progress on the required amendment, and please explain the future role of the voluntary Code of Good Practice after adoption of such amendment.

Article 10. Protection of the family, mothers and children

21. Please provide information on the extent of teenage pregnancies and abortions in the different territories of the State party. What measures are being undertaken to address these problems? Please also provide information on whether programmes on sexual and reproductive health are provided in the State party's territories.

22. The Committee would welcome updated information from the State party in relation to the problem of trafficking in persons, and on whether the problem is growing or decreasing. What is being done to address this problem in law and in practice?

23. In a government report "Living without fear", the State party indicated that one in four women experienced domestic violence at some stage in life. It has also been reported elsewhere that in Northern Ireland, a marked increase in violence against women occurred since the paramilitary ceasefires. Please comment on these reports and indicate what measures the respective responsible authorities are taking in order to address these problems.

24. Please provide information on the implementation of the Protection of Children Act, which was passed in July 1999, in particular with regard to child abuse and commercial sexual exploitation.

Article 11. Right to an adequate standard of living

25. Please explain why the State party does not have an official definition of poverty for its own territory. Please provide information on the number of people living in poverty, broken down by gender, age, region, race and ethnic group. Please confirm whether or not the gap between the 10 per cent richest and 10 per cent poorest of the population is widening.

26. Please explain why the State party has not adopted a national anti-poverty strategy with goals and targets, which is structured and allows for participation of the poor, to provide coherence to its existing policies on poverty and "social exclusion". Please also explain why the State party has not linked its efforts in this respect to the outcome of the Copenhagen Social Summit 1995 and the Social Summit Review in 2000.

27. Please provide more detailed information on the results so far achieved by the various schemes introduced to tackle the problem of fuel poverty in England, Wales, Northern Ireland and Scotland.

28. According to paragraph 11.63 of the State party's report, there is no legislation which directly relates to housing affordability, so that an increasing amount of rents are now set at market levels. Please explain in more detail how the macroeconomic measures alone - as referred to in paragraph 11.63 - that will control the mortgage market will have benefits for those groups of society that are having difficulties coping with the high rental prices.

29. Please explain the difference in the State party's view between homelessness and so called "rough sleeping", how the two social problems relate to each other and what the differences in policies and initiatives are to combat them. In addition, please provide information on the results so far of the December 1999 initiative *Coming in from the Cold* that set out an integrated approach to addressing key problems concerning "rough sleeping".

30. What is the housing situation of minorities in the States of Jersey, in particular the Portuguese minority and the itinerant workforce?

Article 12. Right to physical and mental health

31. Please provide more detailed information on what percentage of the population avails of private health services instead of the National Health Service (para. 12.10). Please also inform the Committee in which manner the State party monitors the quality of private health services.

32. There are reports of bad prison conditions in the United Kingdom, stating high suicide rates, bad sanitary conditions, lack of useful work or educational activities and overcrowding. Please provide information on these concerns.

Articles 13 and 14. Right to education, including primary education

33. Acknowledging the State party's view that primary and secondary public education should be available free of charge, the Committee would like to be informed on the existence and level of costs that still arise due to requirements of, inter alia, school materials, school uniforms, and parental contributions. Please also explain in more detail the issue of parental contributions mentioned in paragraph 13.19 of the report, particularly with regard to its voluntary nature and the type of activities financed with such contributions.

34. It has been brought to the Committee's attention that 33 per cent of children in inner city areas at secondary school age are at least two years behind in literacy. What steps have been taken to address this problem?

35. With regard to truancy and exclusion of pupils, paragraph 13.54 of the report mentions measures of effective action against truancy and exclusion, and measures specifically aimed at reducing the level of ethnic minority exclusion. This is in accordance with the Committee's recommendation (E/C.12/1/Add.19, para. 31) on the State party's third periodic report. Please provide information on the results of these measures.

36. Does the State party make any difference regarding university tuition fees between its citizens and foreigners?

37. In paragraph 13.56 of the report, reference is made to Section 131 of the School Standards and Framework Act 1998 (entry into force 1 September 1999), which makes it unlawful to inflict corporal punishment on pupils in maintained and non-maintained schools or on children in nursery school. Please provide information on whether this Act is applicable to other juvenile institutions, in all parts of the State party.

38. Mention is made of citizenship and human rights education to be introduced as a compulsory part of England's National Curriculum for secondary school pupils from 2002 in paragraph 13.41 of the report. Please indicate whether this will also apply to all parts of the State party.

Article 15. Right to take part in cultural life, to enjoy the benefits of scientific progress and the protection of intellectual property

39. Please state the reasons for not offering Irish education in all Catholic and integrated primary and secondary schools in Northern Ireland. Furthermore, please provide statistics on the costs for teaching Irish, Gaelic and Welsh, as a percentage of the public expenditure on education, in Northern Ireland, Scotland and Wales respectively, including non-English-medium schools.